

**IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI**

**HAROLD ALEXANDER**

**PLAINTIFF**

**VS.**

**CAUSE NO.: 11-07-1397**

**JUDY HUCKELBERRY, ET AL.**

**DEFENDANTS**

**ORDER GRANTING DEFAULT JUDGMENT AND OTHER RELIEF AGAINST  
DEFENDANTS, JUDY HUCKLEBERRY, MANUFACTURERS & TRADERS  
COMPANY, ET AL. AND UNKNOWN PERSONS CLAIMING ANY LEGAL OR  
EQUITABLE INTEREST IN THE REAL PROPERTY**

This action came on for hearing upon the Motion of Plaintiff for a Default Judgment pursuant to Rule 55(b) of the Mississippi Rules of Civil Procedure and Other Relief Against Defendant, Judy Huckleberry, Manufacturers & Traders Company, and Unknown Persons Claiming Any Legal or Equitable Interest in the Real Property and in support thereof would show unto the Court the following:

1. That on or about July 13, 2011, Plaintiff, Harold Alexander, filed its Complaint to Quiet and Confirm Tax Title and Remove Cloud in the above styled and referenced cause against the defendants listed herein.

2. That on or about August 11, 2011, service of process was completed on Judy Huckleberry by publication by publishing a Summons by Publication on the following dates: July 28, 2011, August 4, 2011, and August 11, 2011. That in accordance with the Mississippi Rules of Civil Procedure more than thirty (30) days have elapsed since said service was completed. No responsive pleading has been filed.

3. That Defendant, Manufacturers & Traders Company, as the trustee for the holders of Security Series 1999-1, Agreement dated March 4, 1999 was serviced by certified mail on or about

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**W E DAVIS, CLERK**

October 6, 2011. That in accordance with the Mississippi Rules of Civil Procedure, more than thirty (30) days have elapsed since service of process was completed. No responsive pleading has been filed.

4. That Defendant, Emily K. Courteau, Substitute Trustee for Defendant Manufacturers & Traders and Trust Company, as Trustee in Trust for the Holders of Security Series 1999-1 was served on or about July 27, 2011. On or about October 12, 2011, an Agreed Order waiving any and all interest of said defendant was filed in the above styled and referenced matter.

5. That Defendant, City of Southaven, was served on or about July 26, 2012. On or about August 5, 2011, the City of Southaven filed the Answer of the City of Southaven. The City of Southaven has agreed to accept the sum of \$600.00 in full and final satisfaction of any and all right, title, and interest it may have in and to the referenced property. The settlement is contingent upon the release of any and all further claims.

6. That Defendant Internal Revenue Service, was served by personal service on the United States Attorney. On or about July 21, 2011, the Internal Revenue Service filed its Answer. Petitioner and the IRS have agreed to reach a settlement for the payment of \$1,500.00 in exchange for any and all right, title, and interest of the Internal Revenue Service in and to said property. The settlement is contingent upon the release of any and all further claims.

7. The Defendant Mississippi Tax Commission was served on or about July 25, 2011. On or about August 23, 2011, the Mississippi Department of Revenue filed its Answer. Said Answer requested the Court as follows:

- (1) Fully determine and adjudicate all claims and liens upon the subject real property in this matter;**
- (2) Preserve and protect the extent possible the liens filed by the MDOR plus accrued interest if the tax sale is found to be void.**
- (3) Enter an appropriate Order, and**

**(4) Grant this defendant any other relief, general or specific to which the Court may deem appropriate including being dismissed from these proceedings.**

**Petitioner would show that the State Tax Commission's lien is subordinate to the Tax Deed of Plaintiff.**

8. That Attorney Jim Hood, Attorney General for the State of Mississippi was served pursuant to the Mississippi Rules of Civil Procedure on or about July 25, 2011. The Answer of the State of Mississippi was filed on or about August 22, 2011. Said Answer provides as follows:

**WHEREFORE, having fully answered, the State asserts no interest in the subject property except as noted.**

Petitioner would show that any interest of the State of Mississippi is subordinate to the tax deed of Petitioner.

9. That DeSoto County, a political subdivision in the State of Mississippi, was served with process on or about July 13, 2011. On or about September 12, 2011, an Agreed Order was entered in the above styled and referenced cause, wherein DeSoto County, Mississippi relinquished any and all interests in and to said property subscribed as tax parcel 1086-2304.0-00059.00 and Desoto County was dismissed from this proceeding.

10. That John Champion, District Attorney for the 17<sup>th</sup> Judicial District of the State of Mississippi, was served on or about July 13, 2011. To date, no responsive pleading has been filed by John Champion asserting any and all right, title, and interest in and to the subject property.

11. That on or about July 13, 2011, a Summons by Publication was issued to unknown persons claiming any legal or equitable interest in the real property described in the Petition. The property sold for taxes on the 25<sup>th</sup> day of August, 2008. Said Summons was published in the DeSoto Times Newspaper on the following dates: July 19, 2011, July 26, 2011, and August 2, 2011. No answer or other responsive pleadings have been filed by any unknown defendants.

12. That pursuant to Rule 55(b) of the Mississippi Rules of Civil Procedure, the following defendants have been served with process and have failed to plead or otherwise defend and defendant's default having been duly entered by the clerk, against defendants, Judy Huckelberry, Manufacturers & Traders Company, as the trustee for the Holders of Security Series 1999-1, Agreement dated March 4, 1999, and John Champion, District Attorney for the 17<sup>th</sup> Judicial District for the State of Mississippi and to all unknown persons having or claiming any such legal or equitable interests described in the property.

13. That the Plaintiff is the fee simple owner of the following described real property located and situated in DeSoto County, Mississippi, to-wit:

Lot 59, Carriage Hills, Section A, Plat Book 3, Page 13-14, in the Office of the Chancery Court Clerk of DeSoto County, Mississippi, Section 23, Township 1, Range 8, also described as Parcel Number 1086-2304-000059-00 located at 8550 Darlington Cove, Southaven, Mississippi 38671 and sold for taxes the 25<sup>th</sup> day of August, 2008.

14. That pursuant to Mississippi Code Annotated 11-17-35, Plaintiff would show title out of the sovereign and a deraignment of title for not less than sixty (60) years prior to the filing of this Complaint.

1) J. W. Hudson, Trustee to Ms. E. R. Hilderbrand by Deed dated February 14, 1921 recorded January 20, 1922 in Deed Book 19, Page 619 in the office of the Chancery Court Clerk of DeSoto County, Mississippi

2) Elma R. Hilderbrand to Lorine Downing by Deed dated September 11, 1943, recorded September 22, 1943 in Deed Book 31, Page 53 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

- 3) Lorine Downing to John W. and Mary Colebank dated December 30, 1944 recorded January 8, 1945 in Deed Book 331, Page 441.
- 4) John W. and Mary C. Colebank, et ux to R. W. Richert of Deed dated February 17, 1947 recorded February 17, 1947 in Deed Book 35, Page 82.
- 5) R. W. Richert and Mattie M. Richert, et ux to T. P. and Lila R. Brady, et ux Deed dated November 31, 1951, recorded December 3, 1951 in Deed Book 38, Page 531; One (1) Acre
- 6) Mattie M. Richert to MP&L (20 ft Right of Way) by Deed dated September 30, 1957 recorded November 26, 1957 in Deed Book 41, Page 515.
- 7) Mary M. Richert to Texas Gas Trans by Deed dated February 6, 1959, recorded February 24, 1959 in Deed Book 46, Page 147. (Easement)
- 8) Mattie M. Richert, et al to W. B. and Ann F. McDaniel by deed dated April 8, 1960 recorded May 16, 1960 in Deed Book 48, Page 124 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.
- 9) W. B. and Ann F. McDaniel conveyed an easement in and to the property to Mississippi Power and Light Company dated July 29, 1961 recorded August 16, 1961 in Deed Book 25, Page 26 (25 Foot Right of Way).
- 10) W. B. and Ann McDaniel, et ux conveyed the property to Southaven Land Company, Inc. in Deed dated July 9, 1962 recorded July 10, 1962 in Book 53, Page 219 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.
- 11) Southaven Land Company conveyed the property to J. E. Sartain and Donald R. Chambliss on March 4, 1966 recorded March 23, 1966 in Book 65, Page 193 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

12) J. E. Sartain and Donald R. Chambliss conveyed unto Mary Cocke Edwards on or about January 28, 1967 recorded January 30, 1967 in Book 68, Page 181 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

13) Mary Cocke Edwards conveyed to Jonathan Levin Wilson and Barbara Sue Wilson on October 3, 1968 and recorded on October 9, 1968 in Deed Book 76, Page 114 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

14) Barbara Sue Wilson conveyed to Jonathan Levin Wilson on July 25, 1969 and recorded July 28, 1969, Deed Book 79, Page 507 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

15) Jonathan Levin Wilson conveyed to Thomas A. Ritter, et ux, January 19, 1975 recorded June 23, 1975 in Deed Book 118, Page 146 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

16) Thomas A. Ritter conveyed to Carolyn M. Ritter, January 6, 1982, recorded January 7, 1982 in Book 157, Page 121 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

17) Carolyn M. Ritter conveyed to Danny Craig Huckelberry dated December 5, 1990, recorded December 31, 1990 in Deed Book 231, Page 773 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

18) Allen B. Couch, as Substitute Trustee, conveyed to Carolyn M. Ritter on December 23, 1993, recorded December 23, 1993 in Deed Book 265, Page 475 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

19) Carolyn M. Ritter conveyed to Danny Craig Huckleberry, et ux on November 25, 1996, recorded December 2, 1996 in Deed Book 309, Page 426 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

20) Danny Craig Huckleberry conveyed to Judy Huckleberry on November 12, 1998, recorded November 18, 1998 in Deed Book 343, Page 164 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

21) W. E. Sluggo Davis, Chancery Court Clerk, conveyed to Harold Alexander by Tax Sale Deed dated September 20, 2010, recorded on February 25, 2011, in Book 652, Page 621 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

22) The said sale was certified to the Chancery Court Clerk in the manner and within the time required by law, the tax sale remains on the file with the Chancery Court Clerk for two (2) years;

23) The Chancery Court Clerk gave all notices required by law to the owner and to any lien holder of records; and that after the time for redemption had expired, the Chancery Court Clerk made and delivered a Tax Deed to Harold Alexander, and caused the same to be recorded in Deed Book 652, Page 621 in the Office of the Chancery Court Clerk of DeSoto County, Mississippi. A true and correct copy of Tax Deed is attached hereto and made a part hereof as Exhibit "A".

24) Petitioner would show that on or about January 26, 2005, a Federal Tax Lien was filed by the Internal Revenue Service against Judy Huckleberry in the amount of \$14,330.26.

25) Petitioner would show that the City of Southaven entered Judgments against said property on the Judgment Roll of DeSoto County as follows:

**Judgments:**

**Judgment #69996 in the amount of \$346.00**

**Judgment #70039 in the amount of \$346.00**

**Judgment #75377 in the amount of \$346.00**

**Judgment #75575 in the amount of \$346.00**

26) The Mississippi State Tax Commission, by and through the department of Revenue filed a State Tax Lien in Judgment #59372 in the amount of \$3,907.14.

15. That Plaintiff, Harold Alexander, shall be and hereby is awarded a default judgment as to said Defendants and enter a Judgment pursuant to the rights and the agreement of the parties. The Plaintiff, Harold Alexander, shall be and hereby is adjudicated as the true owner of the subject property and confirms said tax title in Plaintiff against all other defendants and cancels any clouds of record.

IT IS, THEREFORE, ORDERED, AND ADJUDGED that this Court has jurisdiction over all Defendants pursuant to and in accordance with Rule 55 of the Mississippi Rules of Civil Procedure, and of the subject matter herein, and finds that the Plaintiff is entitled to a Default Judgment against Judy Huckleberry, Manufacturers & Traders Company, and Unknown Persons Claiming Any Legal or Equitable Interest in the Real Property for the relief sought in the Petition.

IT IS, THEREFORE, ORDERED, AND ADJUDGED that Plaintiff, Harold Alexander, shall be and hereby is adjudicated as the true owner of the following property:

Lot 59, Carriage Hills, Section A, Plat Book 3, Page 13-14, in the Office of the Chancery Court Clerk of DeSoto County, Mississippi, Section 23, Township 1, Range 8, also described as Parcel Number 1086-2304-000059-00 located at 8550 Darlington Cove, Southaven, Mississippi 38671 and sold for taxes the 25<sup>th</sup> day of August, 2008.

IT IS, FURTHER ORDERED, ADJUDGED AND DECREE that any and all clouds, liens, judgments, deeds of trust, or other claims of Defendants or any third parties shall hereby be



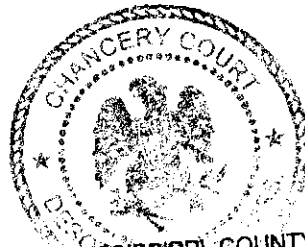
dismissed and discharged as to said property perfecting and confirming title in and to Harold Alexander.

SO ORDERED AND ADJUDGED this the 26<sup>th</sup> day of November, 2012.

Vicki B. Cobb  
CHANCELLOR

Presented by:

Barry W. Bridgforth, Jr.  
Barry W. Bridgforth, Jr. (MSB #9797)



STATE OF MISSISSIPPI, COUNTY OF DESOTO  
I HEREBY CERTIFY that the above and foregoing is  
a true copy of the original filed in this office.  
This the 26 day of Nov., 2012  
W.E. Davis, Clerk of the Chancery Court  
By S. Patrick D.C.

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